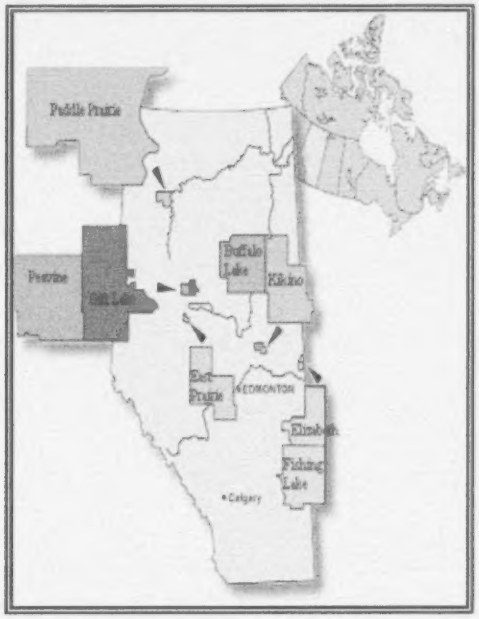
MSAT

METIS SETTLEMENTS APPEAL TRIBUNAL



2007

Annual Report

Report

211(1) On or before March 31 in each year, the Appeal Tribunal must give to the Minister and the General Council a report for the year ending on the preceding December 31, showing

(a) the nature of its activities
(b) the general manner in which it dealt with matters coming before it;
(c) any other matter that the Minister directs.

(2) The Minister must table the Appeal Tribunal's report in the Legislative Assembly if it is then sitting or, if it is not sitting, within 15 days after the commencement of the next sitting.

[*Metis Settlements Act*, R.S.A. 2004]

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A message from the Chair

Tansi:

2007 marks my first full year as the Chair of the Metis Settlements Appeal Tribunal. It has been my distinct honour and privilege to serve the Settlements and other stakeholders as the Chair of the Appeal Tribunal.

My goal as Chair is to improve the standing and services of the Appeal Tribunal. I am delighted to report that significant progress has been made in this regard, including:

- simplifying our business plan for 2007 – 2010 to better clarify our role under the *Alberta Metis Settlements Accord*;* self-governance framework, and to sharpen our focus on important operating principles such as fairness, efficiency, and accountability;
- strengthening the Appeal Tribunal team through positive dialogue, strategic recruitment and training; and
- clarifying relations with the Government of Alberta, the Metis Settlements General Council and other stakeholders to promote our priorities such as maintaining our independence, promoting Metis culture and identity, and exploring ways to improve access to our services by moving our offices away from the downtown core.

**The Accord*: Signed in 1989, the *Alberta-Metis Settlements Accord* ushered in a new era. The Accord called for joint action by Alberta and the Metis Settlements General Council to protect Settlement lands and to build viable and vibrant Metis communities with good local and collective governance systems. The Accord provided tools for developing a full body of Metis Settlement law through General Council Policies, local by-laws, and judicial (Appeal Tribunal) decisions.

Throughout this transition, the Tribunal remained committed to ensuring that our mediation and decision-making processes are fair to all parties, efficient, and respectful of Metis culture and identity.

Looking ahead, I am eager to build on our progress to date. I especially look forward to meeting with Settlement members and others to talk about how the Appeal Tribunal enhances Metis self-governance under the *Alberta-Metis Settlements Accord*.

Sincerely,

Stan Delorme

Stan Delorme
Chair, Metis Settlements Appeal Tribunal

Who we are

The Metis Settlements Appeal Tribunal was established in 1990 under the *Metis Settlements Act* (the Act). The Appeal Tribunal's role under the Act is to provide practical mediation services and to make fair and binding decisions concerning membership, land and oil and gas disputes. The Appeal Tribunal also resolves other matters—such as conflicts of interest, policy reviews, and appeals of General Council elections—set out in Metis Settlements General Council Policies and local Settlement by-laws.

L to R: John Brosseau, Ken Allred, Violet Haggerty, Stan Delorme, Dorothy Anderson, Allan Lamouche, Don Cunningham

The Appeal Tribunal consists of seven members.[1] Three are appointed by the Metis Settlements General Council (MSGC). Three are appointed by the Minister. The Chair is jointly appointed by MSGC and the Minister.

The Appeal Tribunal also has a staff of seven people. In 2007, we recruited a new Tribunal Secretary and Research Assistant. Working together as a team, our staff helps to ensure the Tribunal's investigations and appeal processes are run in a consistent, fair, and culturally appropriate manner. We are delighted that two of our staff members (Teresa Ng and Karen Mustus) are celebrating their 14th and 10th year with the Appeal Tribunal.

The first challenge

As a new Board, our first challenge was to build consensus about how to best fulfill our mandate under the Accord. Working together, we identified goals, priorities, and strategic approaches to fulfill our mandate. These formed the basis for our new business plan, which was approved in October, 2007.

The Tribunal's new business plan puts a premium on accountability. This means giving a full account about how well we are meeting our goals, which include:

- *improving independence* – the Tribunal must be above external influences;
- *increasing efficiency* – the Tribunal will act in a timely and fair manner; and
- *maintaining cultural integrity* – the Tribunal will consider and respect Settlement history and Metis values in fulfilling its mandate.

[1] The Existing Leases Land Access Panel (ELLAP) is also part of the Appeal Tribunal. It has five members and deals with right of entry orders and compensation orders involving those with a right to work or develop minerals existing on November 1, 1990. Wayne Carter is the Chair of ELLAP.

Our vision

Our vision of the future is one where the Appeal Tribunal contributes to Metis Culture and identity under the *Alberta-Metis Settlements Accord* by providing timely, fair, and effective dispute resolution services for Settlement members and other stakeholders.

Our priorities and strategies

The Appeal Tribunal set two key priorities for 2007 and 2008. Firstly, we committed to preserving and enhancing Metis Culture within our quasi-judicial[2] system by offering independent, efficient, culturally appropriate dispute resolution systems. Secondly, we committed to becoming more accessible and visible to our clients. We intend to do this by moving the Appeal Tribunal offices to a user-friendly location, attending community and other functions whenever appropriate, and providing workshops and informational material on the Appeal Tribunal's functions

Other strategies were also identified, including:

- building a positive, professional, work environment where staff and Board members understand and carry-out shared goals and approaches;
- updating the Appeal Tribunal's Code of Conduct and Rules of Procedure for investigations, hearings, and mediations to promote efficient, consistent, and culturally appropriate resolutions;
- strengthening the Appeal Tribunal's capacity by filling its staff compliment, updating job descriptions, revising its base budget to meet strategic needs, and providing training to Board and staff members on decision making processes.

Fathers of the Federation: Adrian Hope, Maurice L'Hirondelle, Lawrence Desjarlais, Sam Johnson, Richard Poitras

[2] *Quasi-judicial* means that MSAT's duty to mediate and adjudicate resolutions is limited to the areas set out in provincial legislation, General Council by-laws and Settlement by-laws.

Outcomes/Highlights

In 2007, the Appeal Tribunal strengthened its independence, efficiency and cultural integrity. We did so by:

- reaching consensus on a new business plan;
- attending the New Councillor Workshop at General Council in October 2007 and explaining the role of the Appeal Tribunal;
- meeting with the President of the Metis Settlements General Council, Minister of International, Intergovernmental and Aboriginal Relations, the Metis Settlements Ombudsman and Metis Settlements Land Registrar to discuss our priorities under the *Alberta-Metis Settlements Accord*;
- raising the public's awareness about the Appeal Tribunal by having our Chair or senior staff speak at national conferences in Vancouver, Ottawa and Edmonton;

Tribunal Chair, Stan Delorme & Minister Boutilier

- creating a new plain language brochure, writing articles for distribution in the Metis Settlements Messenger magazine, and by launching a new website that is less cluttered and easier to understand;
- adhering to budgetary rules and maintaining open lines of communications with the Senior Finance Officer, Deputy Minister, and Assistant Deputy Minister for International, Intergovernmental and Aboriginal Relations.
- clarifying the roles of Tribunal members and staff;
- working with human resources to distinguish the various roles of staff and how each compliments our mandate;
- running decision-making workshops for Tribunal members and staff and providing access to other training;
- conducting investigations and hearings and issuing decisions in a timely manner; and by
- commencing the work of updating our Code of Conduct and Rules of Procedure.

The nature of our activities

Land, Membership, and other matters

The Appeal Tribunal continued to fulfill its mandate of running investigations and resolving disputes while transitioning to a new operations model. Of the approximately 80 calls[4] received in 2007 concerning membership, land, and other disputes, 23 matters remain open pending investigations and hearings, or mediation.

Year	2005	2006	2007
Membership	1	1	10
Land	14	13	54
Others[3]	12	9	15
Totals	27	23	79

Whatever the subject matter, all our discussions involve an education component. This includes reviewing legislative frameworks so that the parties are aware of key issues, standards, and procedures.

Surface Rights Activities

In addition to the calls about membership, land disputes and related matters, the Appeal Tribunal also received over 350 calls relating to resource development on the Settlements. Most of these related to right of entry matters, compensation, assignments of interest, the role of the Land Access Panel (LAP), and clarification of details for hearings.

Decisions

The Appeal Tribunal issued six decisions in 2007. These decisions addressed critical issues, including trespass, compensation, cultural value of lands, cumulative impacts of resource projects, procedures for right of entry orders and appropriate notice requirements relating to Provisional Metis Title. For full copies of these orders, see our website at www.msat.gov.ab.ca, or call our office at 780-422-1541 or toll free at 1-800-661-8864 for a free copy.

Alberta Court of Appeal

Two matters were appealed to the Alberta Court of Appeal. One was directed back by consent to the Appeal Tribunal for rehearing. The other, involves the question of determining cumulative impacts, which has, at the time of writing this report, been granted leave to appeal by the Alberta Court of Appeal.

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[3] "Others" includes inquires related to utility hook-ups, housing grants, estate instructions, and other disputes.

[4] Calls to the Tribunal are tracked through *contact reports*. These reports set out the nature of the call, who called and the affected Settlement. However, appeal files are not opened until a formal letter of appeal is received or signed by a Claimant.

Fiscal responsibility

The Appeal Tribunal reports its activities on a calendar year basis, from January 1 to December 31. However, its financial reporting period follows the provincial government fiscal year from April to March of the following year.

The table below compares Tribunal expenditures for 2006/2007 with those of 2005/2006.

	2006/2007		2005/2006	
	Authorized Budget	Actual Expenditure	Authorized Budget	Actual Expenditure
Manpower	$504,406	$497,825	$481,000	$492,000
Supplies & Services	$517,594	$542,287	$461,000	$622,000
Total	**$1,022,000**	**$1,040,112**	**$942,000**	**$1,114,000**

METIS SETTLEMENTS APPEAL TRIBUNAL

ORDERS ISSUED – January 2007 – December 2007

Order No. 175	Development of mineral resources - trespass Vernon Calliou and Fishing Lake Metis Settlement Order issued: January 30, 2007
Order No. 176	Surface rights compensation Gift Lake Metis Settlement and Devon Canada Corporation Order issued: April 12, 2007
Order No. 177	Application for right of entry Metis Moccasin Resources Inc., Kikino Metis Settlement & MSGC Order issued: July 27, 2007
Order No. 178	Claim for costs Gift Lake Metis Settlement, Kenneth Russell Shaw, Conrad Patrick Shaw & Devon Canada Corporation Order issued: August 13, 2007
Order No. 179	Provisional Metis Title Conrad Martineau and Paddle Prairie Metis Settlement Order issued: August 17, 2007
Order No. 180	Land dispute Clarence Cunningham and Randy Cunningham Order issued: August 27, 2007

Elders of the Metis Settlements, circa 1978

Joe Cardinal

Adrian Hope

Adolphus Ghostkeeper

Maurice L'Hirondelle

The Big Five: Malcolm Norris, Pete Tompkins, Joe Dion, Felix Calliou, Jim Brady, circa 1930s

Richard Poitras

Sid Beaudry

Robert Aulotte

Fred Martineau

Fred Carifelle

Joe McDermott

For more information, contact us at:

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